

EXHIBIT 3

ATTACHMENT B

CHRON



COPY

Caplin & Drysdale
ATTORNEYS

Caplin & Drysdale, Chartered
One Thomas Circle, NW, Suite 1100
Washington, DC 20005
202-862-5000 202-429-3301 Fax
www.caplindrysdale.com

202-862-5049 Direct
bsb@capdale.com

August 4, 2004

Janet S. Baer, Esq.
Kirkland & Ellis
200 East Randolph Drive
Chicago, IL 60601

Scott L. Baena, Esq.
Blixin, Sumberg, Dunn, Baena, Price and
Axelrod, LLP
2500 First Union Financial Center
200 South Bisacayne Florida Blvd.
Miami, FL 33131

Roger Frankel, Esq.
Swidler Berlin Shereff Friedman, LLP
300 K Street, NW, Suite 300
Washington, DC 20007

Gary Becker, Esq.
Kramer Levin Naftalis & Frankel, LLP
919 Third Avenue
New York, NY 10022

Bert L. Wolff, Esq.
Skadden, Arps, Slate, Meagher & Flom LLP
4 Times Square
New York, NY 10036

Brad Friedman, Esq.
Milberg Weiss Bershad Hynes & Lerach, LLP
One Pennsylvania Plaza
New York, NY 10119

Francine Rabinovitz, Esq.
Hamilton, Rabinovitz & Alschuler, Inc.
6033 West Century Blvd.
Los Angeles, CA 90045

Re: Grand Jury Subpoena for records produced by W.R. Grace

Ladies and Gentlemen:

Caplin & Drysdale has received a grand jury subpoena from the U.S. District Court for the District of Montana for records produced by W.R. Grace & Co. in case number 01-01139 (JKF) in the District of Delaware (copy attached). The Assistant U.S. Attorney handling this case is Kris A. McLean, P.O. Box 8329, Missoula, Montana 59807 (Telephone: 406-542-

Caplin & Drysdale
CHARTERED

- 2 -

8851). We are notifying you of this subpoena pursuant to paragraph 4 and other provisions of the Confidentiality Agreement dated October 9, 2001 entered into by the parties in this case.

We plan to comply with this subpoena unless we are directed to the contrary by an order of a court of competent jurisdiction.

Sincerely,



Bernard S. Bailor

cc: Elihu Inselbuch, Esq.
Peter Van N. Lockwood, Esq.
Nathan D. Finch, Esq.

COPY UNITED STATES DISTRICT COURT
MISSOULA DIVISION, DISTRICT OF MONTANA

TO:

WR Grace & Co.
c/o Bernard S. Bailor
Caplin & Drysdale
One Thomas Circle, NW, Suite 1100
Washington, DC 20005-5802

**SUBPOENA TO TESTIFY
BEFORE GRAND JURY**

SUBPOENA FOR:
☐ PERSON ☒ DOCUMENT(S) or OBJECT(S)

03-GJ-M-220

YOU ARE HEREBY COMMANDED to appear in the United States District Court at the place,
date, and time specified below to testify in the above case.

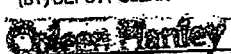

<small>PLACE</small> Russell Smith Courthouse Grand Jury 201 E. Broadway Missoula, Montana 59802	<small>COURTROOM</small> Grand Jury <small>DATE AND TIME</small> September 1, 2004; 9:00 a.m.
--	--

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Please produce all original copies of records, deposition transcripts, and exhibits produced by the debtor, WR Grace & Co. in case number 01-01139 (JKF), District of Delaware.

() See additional information on reverse

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

<small>U.S. MAGISTRATE OR CLERK OF COURT</small> Patrick E. Duffy <small>(BY) DEPUTY CLERK</small> 	<small>DATE</small> August 3, 2004
<p>This subpoena is issued upon application of the United States of America</p> 	<small>NAME, ADDRESS AND PHONE NUMBER OF ASSISTANT U.S. ATTORNEY:</small> KRIS A. McLEAN Assistant U.S. Attorney P.O. Box 8329 Missoula, Montana 59807 Telephone: 406/542-8851